

# MEMO ENDORSED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: NAVIDEA BIOPHARMACEUTICALS  
LITIGATION

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7/29/2021

Case No.: 1:19-cv-01578-VEC

ECF Case

## [PROPOSED] SO-ORDERED STIPULATION REGARDING EXPERT DISCOVERY

WHEREAS, on September 25, 2020, Plaintiff Navidea Biopharmaceuticals, Inc. (“Navidea”) and Defendant Dr. Michael M. Goldberg (“Dr. Goldberg”) (collectively, the “Parties”) filed a Joint Letter updating the Court regarding the status of discovery which, *inter alia*, addressed Dr. Goldberg’s request that the Court schedule deadlines for expert discovery in this matter, including on the issue of damages [ECF No. 137];

WHEREAS, on June 15, 2021, the Parties filed a Joint Letter updating the Court regarding the status of discovery which, *inter alia*, proposed a schedule relating to deadlines for expert discovery in this matter [ECF No. 208];

WHEREAS, on July 6, 2021, during the Pretrial Conference of this matter, the Court directed the Parties to determine their own schedule regarding deadlines for expert discovery and ordered that all expert discovery is to be completed by November 30, 2021;

WHEREAS, pursuant to the Memo Endorsement on the Letter Response entered on July 22, 2021, “[n]o later than July 28, 2021, the parties must meet and confer on all internal expert discovery deadlines, including when experts will be identified, when reports are due, and when experts will be deposed, and submit a stipulated schedule” [ECF No. 215];

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel for the Parties, that the Parties are to:

1. Provide each other party pursuant to Fed. R. Civ. P. 26(a)(2)(A) with the name, curriculum vitae, and general subject matter of testimony of any expert it may use in its case-in-chief no later than August 20, 2021;
2. Provide each other party pursuant to Fed. R. Civ. P. 26(a)(2)(A) with the report of any expert it may use in its case-in-chief no later than September 23, 2021;
3. Provide each other party pursuant to Fed. R. Civ. P. 26(a)(2)(D) with the name, curriculum vitae, and general subject matter of testimony of any expert it may use solely to contradict or rebut evidence on the same subject matter identified pursuant to Paragraph 1 no later than October 8, 2021;
4. Provide each other party pursuant to Fed. R. Civ. P. 26(a)(2)(D) with the report of any expert identified pursuant to Paragraph 3, it may use solely to contradict or rebut evidence on the same subject matter identified pursuant to Paragraph 1 no later than November 8, 2021.
5. Make available for deposition any expert that issues a report pursuant to Paragraphs 2 and 4 no later than November 30, 2021.

Dated: New York, New York  
July 28, 2021

/s/ Barry M. Kazan

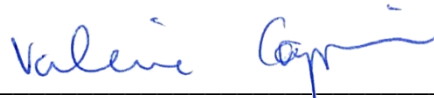
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HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE

7/29/2021

In addition to the above-referenced deadlines, the Court imposes the following deadlines:

No later than **October 15, 2021**, each party must tell the other whether it wants to depose an expert identified pursuant to paragraph 1.

No later than **October 20, 2021**, if the opponent does want to depose the expert, the proffering party must provide 3 days on which the deposition can be taken between **November 8, 2021** and **November 18, 2021**.

No later than **October 22, 2021**, the parties must meet and confer and finalize a stipulation to be submitted to the Court, setting forth the date, time and location of the depositions of the experts.

No later than **November 12, 2021**, each party must tell the other whether it wants to depose a rebuttal expert identified pursuant to paragraph 3.

No later than **November 15, 2021**, if the opponent does want to depose the expert, the proffering party must provide 3 days on which the deposition can be taken between **November 19, 2021** and **November 30, 2021**.

No later than **November 17, 2021**, the parties must meet and confer and finalize a stipulation to be submitted to the Court, setting forth the date, time and location of the depositions of the rebuttal experts.